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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,837	08/31/2005	Rolf Thiel	SCH-00102	4575
Philip R Wam Wam Hoffmann Miller & Lalone P O Box 70098 Rochester Hills, MI 48307				
7590 02/13/2008			EXAMINER SCHWARTZ, CHRISTOPHER P	
			ART UNIT 3683	PAPER NUMBER
			MAIL DATE 02/13/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,837

Applicant(s)

THIEL, ROLF

Examiner

Christopher P. Schwartz

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-57 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 29-57 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement has been received and considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 29-34,39,42,44,45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomlinson.

Regarding claims 29, Tomlinson shows a versatile particle vibration damper for a multitude of applications and that can use a number of different particle arrangements. See the discussions in col. 2 lines 4-31., col. 5 lines 51-56, col. 6 lines 26,27 and lines 60-65.

Lacking is a specific disclosure using the device with "motor vehicles".

However given the shape of the device, it's versatility, and the fact that it can be used with a "gas turbine engine" (see figure 1) the ordinary skilled worker in the art at the time of the invention would have found it obvious to have used the damper of Tomlinson in a "motor vehicle".

4. Claims 35-38,40,41,43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomlinson in view of Rubin.

Regarding claims 35,36,43 Rubin teaches in col. 4 lines 21-28 that the particles, or beads, may be made from a "plastic" material, as broadly claimed.

Regarding claims 37,38 Rubin states in col. 4 lines 21-28 the containers may be made from a variety of materials to suit the intended application.

To have applied the teachings of Rubin to that of Tomlinson would have been obvious to the ordinary skilled worker in the art since it is clear from the disclosures of these publications that such particle vibration dampers may be configured to be used in a wide variety of applications.

5. Claims 46,47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomlinson in view of Novoa.

Regarding claims 46 and 47 although Tomlinson lacks a showing of adding liquid to the container, the reference to Novoa in col. 3 lines 1-3 and lines 40-43 teach that this would have been obvious dependent upon the particular application of use.

6. Claims 29-45,48-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sklarek in view of Tomlinson or Sommer.

Regarding claim 29 Sklarek shows a vibration damper for the mirror of a motor vehicle at C and 22.

Lacking is a showing of using a particulate inside of the bulb 22.

However it is well known in the art that a wide selection of particles may be used in such containers to damp vibrations.

The references to Tomlinson or Sommer (as well as the other cited prior art made of record) clearly teach this is well known.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 571-272-7123. The examiner can normally be reached on M-F 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher P. Schwartz
Primary Examiner
Art Unit 3683

Cps/Christopher P. Schwartz/
Primary Examiner, Art Unit 3683
2/7/08

